IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 14 of 2005

Between:

Smt.G.Balanandamma, W/o.G.Papi Reddy,
R/o.H.No.D/8, Madhuranagar Ameerpet,
Hyderabad.

..... PETITIONER

AND

The Grampanchayat, Ameenpur Village, Pathancheru Mandal, Medak

District rep.by Executive officer, (Panchayat Secretary).

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the proceedings of the respondent dated 30-12-2004 as illegal arbitrary and is in violation of principles of natural justice and pass such other or further orders.

Counsel for the Petitioner:MRS.PULIPATI RADHIKA

Counsel for the Respondent : SMT.JYOTHI ESWAR GOGINENI

The Court at the stage of admission made the following ORDER:

Petitioner claims to be the owner and possessor of the house plot admeasuring 300 sq. yards in survey Nos.193 and 194 situated at Ameenpur village, Pathancheru mandal. The respondent Gram Panchayat issued notice on 30.12.2004 to the petitioner alleging that she constructed the room in her land without obtaining permission from the Gram Panchayat and thereby directed her to remove the construction within three days from the date of receipt of the same. The petitioner challenges the impugned notice.

Heard learned counsel for the petitioner and learned standing counsel for the respondent Municipality.

Having heard the learned counsel on either side and having perused the material available on record, it is clear that the petitioner has not obtained any permission for construction of a room in the land said to have been purchased by her. On receipt of the impugned notice, it appears that she made an application to the respondent Gram Panchayat seeking permission for construction of a room in the land and expressed her willingness to pay the

legitimate amount for regularization of the constructions made by her.

In view of the same, the writ petition is disposed of. It is directed that the impugned notice dated 30.12.2004 shall be treated as the show cause notice and the petitioner is permitted to submit her explanation within 15 days from the date of receipt of a copy of this order. On submitting such explanation, the respondent Gram Panchayat shall consider the same and pass appropriate orders. It is, however, made clear that till the final orders are passed, the respondent Gram Panchayat shall not demolish the structures in question.

05.01.2005

Note:

Furnish copy today.

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To

1 The Gram panchayat, Ameenpur Village, Pathancheru Mandal, Medak District rep.by Executive officer, (Panchayat Secretary).

2 Two CD copies.